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August 29, 2009

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: In re Application of	:	RENEWED PETITION UNDER
AMICK and KLEIMAN	:	37 CFR 1.181 TO WITHDRAW
Application No. 09/556,439	:	THE HOLDING
Filed: 4/24/2000	:	OF ABANDONMENT
Title: VIRTUAL	:	
VOICE/COMPANY/OFFICE NETWORK	:	
TOOL KIT, METHOD, AND COMPUTER	:	
PROGRAM PRODUCT	:	
Examiner: Paul Kang	:	
Renewed Petition Directed to	:	
Christina Tartera Donnell	:	

Hon. Sir:

This is in response to your "Decision on Petition" mailed July 7, 2009, to dismiss our Petition to Withdraw the Holding of Abandonment.

It is my understanding that your office contends that a "Notice of Allowance and Fee(s) Due" in the above referenced matter was sent to us by the examiner, Paul Kang, and that your records show that it was mailed to John Kenneth Amick at the above referenced address. However, it was never received.

The above address consistently has been the address of record from the time of filing this patent. It is also the official correspondence address at the time of the alleged mailing of the "Notice of Allowance and Fee(s) Due and it is the current address of John Kenneth Amick.

Melodie Kleiman, a co-inventor, and I utilize the following system to keep track of the due dates for responses and replies to communications of the United States Patent Office:

1. When a communication is received from the United States Patent Office at the official correspondence address (as shown above under the name of John Kenneth Amick), Mr. Amick telephones Melodie Kleiman and advises her that a communication has been received and tells her the nature of the communication.

2. John Kenneth Amick then faxes the entire United States Patent Office communication to Melodie Kleiman at her facsimile machine in California, number (805) 642-6930. This results in the correspondence being retained in two locations: the homes of Mr. Amick and Ms. Kleiman. Mr. Amick retains the original in a filing system consisting of a file container. Ms. Kleiman retains the faxed copy in her file drawer.

3. Melodie Kleiman then reads the communication from the United States Patent Office and enters its receipt on an Excel spreadsheet. The spreadsheet is contemporaneously updated by Ms. Kleiman each time we get correspondence from the United States Patent Office. The spreadsheet also contains data from the United States Patent Office PAIR chart regarding their entries. Ms. Kleiman compares the entries on the PAIR chart with the documents that are actually received.

4. Melodie Kleiman notes on her calendar when the response is due and also the date that she must send the final response to John Kenneth Amick for his signature and mailing to the USPTO. Mr. Amick lives in Florida and Ms. Kleiman lives in California, so additional time must be provided for the mailing and receipt of the final version of the response by him before it is mailed to the United States Patent Office.

5. After noting the date on her calendar, a copy of relevant pages from 2008 and 2009 which are also attached hereto, Ms. Kleiman then telephones John Kenneth Amick to discuss their response. Enclosed are entries from the 2009 calendar with irrelevant information redacted. Note that the entries are written in pencil and the copy process has made some of them too faint to read. Where needed, Ms. Kleiman has written over the words for the sake of clarity.

6. After review of the documents from the USPTO, Ms. Kleiman and Mr. Amick decide what the response should be. If the response requires Mr. Amick's expertise such as the drawing of diagrams, he prepares a draft and emails it or mails it via the United States Postal Service to Melodie Kleiman for inclusion in the final response. If the response requires only the expertise of Ms. Kleiman, she prepares a draft and emails it to Mr. Amick for his review prior to signature. The final version of the response is always prepared by Ms. Kleiman, subject to the approval of Mr. Amick.

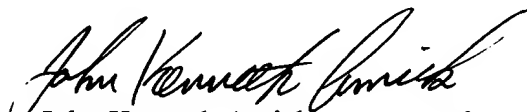
7. In addition to the calendaring process, Ms. Kleiman keeps a file folder on each of the communications containing the office action and our response. The file folder is labeled with the "DM" date (date mailed by the patent office) and the "DD" date (date due). A copy of one of the folders is enclosed also.


8. The office action allegedly mailed to our correspondence address on 11/13/2008 re "Notice of Allowance and Fee(s) Due" did not arrive. Prior to knowing of the alleged mailing, Ms. Kleiman asked Mr. Amick to contact the examiner, Paul Kang, to tell him we had not received any correspondence since the time of a previous telephone call regarding the issuance of the patent. Mr. Kang assured Mr. Amick that the correspondence had not yet been sent but would be sent in due course. In fact, it never arrived. After receipt of the Notice of Abandonment mailed on 3/9/2009, Ms. Kleiman noted that we did not receive the "Notice of Allowance and Fees Due" allegedly mailed on 11/13/2008, which is the subject of this Decision on Petition mailed on 7/7/2009. The last document we had received was sent almost a year earlier.

9. We have conducted a search of our records, including the file folders described in paragraph 7 above, and the "Notice of Allowance and Fee(s) Due" was not received. No entries in the calendar of Ms. Kleiman indicate that it was received at the alleged time of mailing in November 2008. Enclosed is an unredacted copy of the November 2008 calendar pages which show no entries regarding the receipt of the "Notice of Allowance and Fee(s) Due." All of the calendar pages for 2009 that contain entries regarding the issuance of this patent are provided herewith. If you would like pages from other years of calendars, or other pages for 2008, please advise and they will be provided. Please note that the abbreviation of "LD" on the calendars means "last day" for the document to be sent. "Rec'd" means "received." "Resp" means "response." "W/D" means "withdrawal."

If you need any additional information or would like to discuss this further, please feel free to call Ms. Kleiman at the above referenced telephone number.

Very truly yours,


John Kenneth Amick and


Melodie M. Kleiman

Encs.

1 5/16/92 DM

6/15/02 DD

Example of file folder containing an office action and our response. The "dm" date is the date it was mailed by the patent office and the "di" date is the date due.



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MARCH 2009

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SEPTEMBER 2009

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